

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Case No. 12-CV-1501 DSD/JJK

RONALD BERNARD, as duly)
appointed representative for)
Todd Michael Bernard, deceased,)
)
Plaintiff,)

v.)

ANSWER

)
MICHAEL J. ASTRUE,)
Commissioner of)
Social Security,)
)
Defendant.)

Comes now the Defendant and for his answer to the complaint herein:

I.

Defendant admits the allegations contained in paragraphs 1, 2, 3, 4, and 5.

II.

Paragraphs 6 and 7 of Plaintiff's complaint state legal conclusions to which no responsive pleading is required. To the extent that the Court deems a response necessary, Defendant denies the same.

III.

With respect to Plaintiff's request for attorney fees under the Equal Access to Justice Act, should the Plaintiff prevail and file an application for fees against the United States in accordance with the requirements of 28 U.S.C. § 2412, enacted as part of the

Equal Access to Justice Act, the Commissioner reserves the right to oppose any award under this statute.

IV.

The remainder of Plaintiff's complaint represents a Prayer for Relief to which no responsive pleading is required. To the extent that the Prayer for Relief is deemed to allege facts to which a response is required, Defendant denies the allegations.

V.

Defendant denies all other allegations of Plaintiff's complaint not specifically admitted.

VI.

In accordance with Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), Defendant files as part of the answer a certified copy of the administrative record including the evidence upon which the findings and decisions complained of are based.

WHEREFORE, Defendant prays for judgment dismissing the complaint with costs and disbursements and for judgment in accordance with Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), affirming the decision complained of.

Dated: 8-24-12

B. TODD JONES
United States Attorney

s/ Gregory Brooker for

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